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Patent  
Attorney Docket No. 1029650-000162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	<b>MAIL STOP AF</b>
	)	
Hisao Nishikawa et al.	)	Group Art Unit: 3763
	)	
Application No.: 10/520,180	)	Examiner: LAURA A BOUCHELLE
	)	
Filing Date: January 5, 2005	)	Confirmation No.: 7679
	)	
Title: INJECTION NEEDLE AND LIQUID	)	
INTRODUCING INSTRUMENT	)	
	)	
	)	
	)	

**AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 70 ☐ \$ 140 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☒ Enclosed is CONDITIONAL NOTICE OF APPEAL AND PETITION FOR THREE-MONTH EXTENSION OF TIME
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 405 ☐ \$ 810 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☐ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	16	20	0	x \$ 52 (1202)	\$ 0
Independent Claims	2	3	0	x \$ 220 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 390 (1203)					\$ 0
<b>Total Claim Amendment Fee</b>					<b>\$ 0</b>
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0</b>

- ☐ Charge \$ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 6, 2009

By:

  
Matthew L. Schneider  
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Attorney's Docket No. 1029650-000162

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**CONDITIONAL NOTICE OF APPEAL AND PETITION FOR THREE-MONTH  
EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A final rejection was issued in connection with the above-identified application on August 6, 2008. An Amendment in response to that final rejection was filed on November 5, 2008. The Amendment traversed the final rejection by arguing that the applied reference fails to render obvious the combination of features recited in the independent claims, and that the final rejection should be withdrawn. The undersigned has repeatedly checked the Patent Office's Public PAIR system to determine the status of this application. The undersigned has also spoken to Examiner Bouchelle several times regarding the status of this application. During the telephone conference on January 14, 2009, Examiner Bouchelle stated that she would enter the Amendment, reconsider the final rejection, and issue a new Patent Office communication that is not an Advisory Action. Examiner Bouchelle also stated that the nature of the new Patent Office communication would depend on the


results of her updated search. Public PAIR indicates that since November 15, 2008, the status of this application is "Response after Final Action Forwarded to Examiner".

To date, no subsequent Patent Office communication has been mailed. Thus, in further response to the final rejection mailed August 6 2008, Applicants conditionally appeal the decision of the Examiner contained in the final rejection, in the event that the Patent Office communication is not mailed. In such case, the Commissioner is hereby authorized to charge the appropriate government fees for the Notice of Appeal (\$540) and the Petition for Three-Month Extension of Time (\$1110) set forth in 37 C.F.R. §§ 1.17 and 41.20 to our Deposit Account No. 02-4800.

Respectfully submitted,  
Buchanan Ingersoll & Rooney pc

Date: February 6, 2009

By:

  
Matthew L. Schneider  
Registration No. 32814

David R. Kemeny  
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